

**CLOSED**

NOT FOR PUBLICATION

November 10, 2005

THE ORIGINAL OF THIS LETTER ORDER  
IS ON FILE WITH THE CLERK OF THE COURT

RE: Carrie Coleman v. Public Service Electric and Gas Company, et al.  
Civil Action No. 05-1894 (DMC)

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Dear Counsel:

This matter comes before the Court on the Report and Recommendation of United States Magistrate Judge Mark Falk, filed on October 26, 2005, whereby Judge Falk recommended this Court grant Carrie Coleman's ("Plaintiff") motion to remand this case to state court. This matter was decided without oral argument pursuant to Rule 78 of the Federal Rules of Civil Procedure.

For the reasons set forth below, the Report and Recommendation of Judge Falk to remand this case to state court is **adopted** and **affirmed**.

DISCUSSION

Pursuant to 28 U.S.C. § 636(b)(1)(B), a magistrate judge may submit to a district court

proposed findings of fact and recommendations concerning dispositive matters. The United States Supreme Court has held that “[w]here a Magistrate makes a finding or ruling on a motion or an issue, his determination should become that of the district court unless specific objection is filed within a reasonable time.” Thomas v. Arn, 474 U.S. 140, 150-51 (1985). Section 636(b)(1) and Local Civil Rule 72.1(c)(2) prescribe a ten day period during which a party may object to a Magistrate Judge’s report and recommendation. A District Court Judge may accept, reject or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. See 28 U.S.C. § 636(b)(1)(C); L. CIV. R. 72.1(c)(2).

In this matter, Judge Falk’s Report and Recommendation that Plaintiff’s motion to remand be granted was filed on October 26, 2005. No opposition was submitted.

The Court has reviewed this matter and agrees with Judge Falk’s reasoning as set forth in the Report and Recommendation. Therefore, this Court adopts without hesitation or modification Judge Falk’s Report and Recommendation in its entirety.

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CONCLUSION

Based on the foregoing, Judge Falk’s Report and Recommendation that Plaintiff’s motion to remand this case to state court is hereby **adopted** and **affirmed**.

**SO ORDERED.**

S/ Dennis M. Cavanaugh  
DENNIS M. CAVANAUGH, U.S.D.J.

Original: Clerk  
Copies: Hon. Mark Falk, U.S.M.J.  
All counsel of record  
File